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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

PAK, M

ART UNIT	PAPER NUMBER
1646	10

DATE MAILED: 03/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action SummaryApplication No.
09/254,590

Applicant(s)

Adelman et al.

Examiner

Pak, MichaelGroup Art Unit
1646

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-55 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claims 1-55 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-4, 6, 8-10, 19, 26-28, 30, 36, 37, 38, and 36-42,44-46, drawn to isolated nucleic acids encoding hSK1 protein and methods of use in hybridization assays.

Group II, claim(s) 1-4, 6, 8-10, 19, 26-28, 30 and 36-42, 44-46, drawn to isolated nucleic acids encoding hSK2 proteins.

Group III, claim(s)s 1-4, 6, 8-10, 19, 26-28, 30 and 36-42,44-46, drawn to isolated nucleic acids encoding hSK3 and methods of use in hybridization assays.

Group IV, claim(s)1-4, 6, 8-10, 19, 26-28, 30 and 36-42, 44-46, drawn to isolated nucleic acids encoding rSK1 protein and methods of use in hybridization assays.

Group V, claim(s) 1-4, 6, 8-10, 19, 26-28, 30 and 36-42, 44-46, drawn to isolated nucleic acids encoding rSK2 protein and methods of use in hybridization assays.

Group VI, claim(s)1-4, 6, 8-10, 19, 26-28, 30 and 36-42, 44-46, drawn to isolated nucleic acids encoding rSK3 protein and methods of use in hybridization assays.

Group VII, claims(s)1, 4, 6-11, 19, 28,30,44-46, drawn to isolated nucleic acids encoding hIKI protein and methods of use in hybridization assays.

Group VIII, claim(s) 12-14, 31, 47, drawn to hSK1 protein and peptides thereof.

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Group IX, claim(s)12-14,31, 47, drawn to hSK2 protein and peptides thereof.

Group X, claim(s)12-14,31, 47, drawn to hSK3 protein and peptides thereof.

Group XI, claim(s)12-15, 31, 47, drawn to rSK1 protein and peptides thereof.

Group XII, claim(s) 12-15, 31, 47, drawn to rSK2 protein and peptides thereof.

Group XIII, claim(s) 12-57, 31,47, drawn to rSK3 protein and peptides thereof.

Group XIV, claim(s)12-14, and16-18,20,31, 47, drawn to hIKI proteins and peptides thereof.

Group XV , claim(s) 21,22,24,25, 29, drawn to antibodies to hSKI and method of use in an immunoassay.

Group XVI,claims(s)21,22, 24, 25, 29, drawn to antibodies to hSK2 and method of use in an immunoassay.

Group XVII, claim(s)21,22,24, 25, 29, drawn to antibodies to hSK3 and method of use in an immunoassay.

Group XVIII, claim(s) 21,23,24, 29, drawn to antibodies to rSKI and method of use in an immunoassay.

Group XIX, claim(s)21, 23,24, 29, drawn to antibodies to rSK2 and method of use in an immunoassay.

Group XX, claim(s)21,23,24, 29, drawn to antibodies to rSK3 and method of use in an immunoassay.

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Group XX1, claim(s)21,22,24,25, 29, drawn to antibodies to hIKI and a method of use in an immunoassay.

Group XX11, claim(s)32-35,43, 48, drawn to a method for identifying a modulator of hSK1.

Group XXIII, claim(s)32-35,43, 48, drawn to a method for identifying a modulator of hSK2..

Group XXIV, claim(s)32-35,43, 48, drawn to a method for identifying a modulator of hSK3.

Group XXV, claim(s)32-35,43, 48, drawn to a method for identifying a modulator of rSK1.

Group XXVI, claims(s)32-35,43, 48, drawn to a method for identifying a modulator of rSK2.

Group XXVII, claim(s)32-35,43, 48, drawn to a method for identifying a modulator of rSK3.

Group XXVIII, claim(s)32-35,43, 48, drawn to a method for identifying a modulator of hIK1.

Group XXIX, claims(s)49-55, drawn to a method of analysis by computer of hSK1.

Group XXX, claims(s)49-55, drawn to a method of analysis by computer of hSK2.

Group XXXI, claims(s)49-55, drawn to a method of analysis by computer of hSK3.

Group XXXII, claim(s)49-55, drawn to a method of analysis by computer of rSK1.

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Group XXXIII, claim(s)49-55, drawn to a method of analysis by computer of rSK2.

Group XXXIV, claim(s)49-55, drawn to a method of analysis by computer of rSK3.

Group XXXV, claim(s)49-55, drawn to a method of analysis by computer of hIKI.

* Note that claims are grouped into multiple groups because they are drawn to multiple inventive concepts, which lack the same or corresponding special technical feature.

2. The inventions listed as Groups I-XXXV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

a. With regard to Groups drawn to hSK1, hSK2, hSK3, rSK1, rSK2, rSK3, and hIKI, each of these compounds is completely different and unrelated, having completely different chemical structures and biological activities. A search for any single compound does not provide information about any other compound and the unique compounds may all be used differently, thus not being linked by a single concept.

b. With regard to the nucleic acids of Groups I-VII, the proteins of Groups VIII-XIV, and the antibodies of Groups XV-XXI, each of these groups is drawn to a completely different class of compounds having no related structural features or biological functions. The compounds cannot be used together or interchangeably and do not have a linking technical feature.

c. With regard to Groups XXII-XXVIII, the method is a second method of use for the compounds of Groups I-VII. The first method of use of the compounds of Groups I-VII has been included, however, the second method of use is completely different, requiring completely


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Michael Pak
March 16, 2001


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